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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3613 OF 2007

Irfan Ibrahim Shaikh .. Applicant

versus

State of Maharashtra .. Respondent

...

Mr.A.P. Mundargi i/b Mr.Amol Patankar for the applicant.

Ms.Rajashree M. Gadhavi APP for the State.

CORAM : D.G.KARNIK, J

DATED : 26th November 2007

P.C.:

1. Heard learned counsel for the applicant and learned APP for the State.

2. The applicant is the accused of an offence registered with Kapurbawadi police station in C.R. No.I-90 of 2007 punishable u/s.302, 307 and 326 r/w sec.34 of the IPC. The applicant is in custody since March 2007 and charge sheet has been filed in the Sessions Court on 22nd May 2007.

3. The applicant is alleged to have committed murder of Sonu Karotiya and has also assaulted his friend Dinesh Bist with a knife. There are eye witnesses. One of the eye witness is Dinesh Bist who is one of the injured persons. Prima facie his presence at the scene of offence is established. In the circumstances, taking an overall view of the matter and considering the nature of the offence which is punishable with death and the fear expressed by the APP that the applicant, if released on bail, is likely to pressurise the witnesses. This is not a fit case to grant a bail at this stage. In the circumstances, application is rejected.

4. Applicant shall be at liberty to move the Court for fresh bail if the trial is not commenced within two years from today.

(D.G. KARNIK, J)